

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 07-40059-JPG
)	
LEE ROY LANCE,)	Appeal No. 09-1202
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court is Defendant Lee Roy Lance's Motion to Stay Order Pending Response (Doc. 76). On April 14, 2009, the Court granted the Government permission to supplement the record on appeal to include the plea agreement entered into between the Government the defendant in the case entitled *United States v. Tilden Sprague*, Criminal No. 07-30192. When sentencing Lee Roy Lance in the instant case, the Court referenced the sentence given to Tilden Sprague. Although the Sprague plea agreement was not before the Court when the Court made its decision regarding the proper sentence for Lance, the agreement provides the context in which the Court made its determination. The Court may grant a motion to expand the record on appeal when such expansion provides the appellate court with the background information necessary to review the decision of the lower court. *See Crockett v. Hulick*, 542 F.3d 1183, 1188 n.3 (7th Cir.2008); *see also, Ruvalcaba v. Chandler*, 416 F.3d 555, 563 n.2 (7th Cir.2005). The plea agreement in the Sprague case is necessary to provide the Seventh Circuit with the full context of the sentence imposed on Lee Roy Lance. Therefore, the Court properly granted the Government's motion to supplement the record on appeal. Accordingly, the Court DENIES Defendant's Motion to Stay (Doc. 76).

IT IS SO ORDERED.

DATED: April 30, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
UNITED STATES DISTRICT JUDGE